

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Paper 25  
Entered: February 5, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

**Human Genome Sciences Inc.,**  
Junior Party  
(Application 11/537,681,  
Inventors: Ying-Fei Wei, Brent L. Kreide, and  
Craig A. Rosen),

v.

**Schering Corporation,**  
Senior Party  
(Patent 6,723,520,  
Inventors: Wei Wang, Kurt C. Gish, Thomas J. Schall,  
Alain Vicari, and Albert Zlotnik).

---

Patent Interference 105,697 (RES)  
Technology Center 1600

---

Before: RICHARD E. SCHAFER, JAMESON LEE and  
RICHARD TORCZON, *Administrative Patent Judges.*

SCHAFER, *Administrative Patent Judge.*

**Judgment - Request for Adverse – 37 C.F.R. § 41.127(b)**

1 Schering filed a paper abandoning the contest. Paper 22. An  
2 abandonment of the contest is construed as a request for entry of adverse  
3 judgment. 37 C.F.R. § 41.127(b)(4).

4 Accordingly, it is

5 **ORDERED** that judgment on priority as to the subject matter of  
6 Count 1 (Paper 1, p. 3), is awarded against Patent 6,723,520;

7 **FURTHER ORDERED** that claims 1-22 of Patent 6,723,520,  
8 corresponding to Count 1, are cancelled (35 U.S.C. § 135(a));

9 **FURTHER ORDERED** that a copy of this judgment be made of  
10 record in the files of Patent 6,723,520 and Application 11/537,681, and

11 **FURTHER ORDERED** that if there is any settlement agreement or  
12 related documents which have not been filed, attention is directed to  
13 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

/Richard E. Schafer/ )  
RICHARD E. SCHAFER )  
Administrative Patent Judge )

/Jameson Lee/ )  
JAMESON LEE )  
Administrative Patent Judge )

/Richard Torczon/ )  
RICHARD TORCZON )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

cc (via e-mail):

**Attorney for HGS:**

Mark J. Hyman, Esq.  
Jon Tornquist, Esq.  
Vicki L. Healy, Esq.  
Human Genome Sciences, Inc.  
Intellectual Property Dept.  
14200 Shady Grove Road  
Rockville, MD 20850  
Telephone: (240) 314-1224  
Facsimile: (301) 309-8439  
E-mail: mark\_hyman@hgsi.com  
Email: jon\_tornquist@hgsi.com  
Email: Vicki\_healy@hgsi.com

**Attorney for Schering:**

Michael J. Wise, Esq.  
Lauren Sliger, Esq.  
Perkins Coie LLP  
1888 Century Park East  
Suite 1700  
Los Angeles, CA 90067-1721  
Telephone: (310) 788-3210  
Facsimile: (310) 788-3399  
E-mail: mwise@perkinscoie.com